

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1508 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

MOTISINH B THAKORE

Versus

DEVELOPMENT COMMISSIONER

Appearance:

PARTY-IN-PERSON for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 3

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 29/11/1999

ORAL JUDGEMENT

1. Shri Motisinh Bahadursinh Thakore has filed the present petition under Article 226 of the Constitution of India. In the petition it was contended inter alia that the petitioner had submitted an application to the District Development Officer-respondent No.2 herein on 2.6.1983 to the effect that the Taluka Development Officer, Sidhpur allotted 60 (sixty) housing plots to 10

(Ten) Muslims of Dethali village under fake auction putting aside all the norms and procedure required to be followed at the time of auction. It was further alleged that the auction held by the Taluka Development Officer, Sidhpur was an eye wash, nominal and contrary to all norms and procedure and the residents of village Dethali who were badly in need of housing plots were denied and deprived of such housing plots. The petitioner further contended that the action of the Taluka Development Officer, Sidhpur in allotment of housing plots was quite arbitrary, unwarranted, unreasonable and null and void and before this court the petitioner produced said application dated 2.6.83 addressed to the District Development Officer at annexure "A" at page 12.

2. In the petition in para 11 the following reliefs were prayed:

"(B) to direct the respondent No.3 to execute the orders and instructions given by the respondent No.3.

"(C) to direct the respondent No.2 and 3 to take necessary action against the defaulters who have committed irregularities in the said auction".

3. When the matter came up before this court for admission this court (Coram: D.C.Gheewala,J) passed following order on 17.2.1988:

"Rule. Ad-interim relief in terms of para 11(B) and (C)".

4. When the matter reached this court today on behalf of respondents Ms.Harsha Devnani, Ld.AGP has produced the order passed by the Deputy Collector, Patan, dated 1.3.88 which has been passed pursuant to the order of this court wherein the Deputy Collector has held that the order of auction dated 2.6.83 was not in accordance with rules and therefore the order dated 2.6.83 for allotment of housing plots was liable to be set aside.

5. In view of the aforesaid order, dated 1.3.88, of the Deputy Collector, Patan, which is taken on record, the grievance of the petitioner does not survive and petition is accordingly disposed of. Rule is discharged. Interim relief granted earlier stands vacated. No costs.

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